IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

VALLEY NATIONAL GASES, INC.,

Plaintiff,

v. CIVIL ACTION NO. 2:05-cv-00388

LOGAN GENERAL HOSPITAL, LLC,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the court is the defendant's motion to dismiss the complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure. [Docket 3].

The court finds that the complaint clearly states a cause of action against the defendant, and the motion [Docket 3] is **DENIED**. The court **DIRECTS** the Clerk to send a copy of this written opinion and Order to counsel of record and any unrepresented party.

ENTER: August 1, 2005

JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE